

Message

From: Jen, Mark [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B06B44D7C5C44B71B448616651C0B439-JEN, MARK]
Sent: 3/17/2022 1:14:22 AM
To: Alaska Construction [alaskaconstruction1@gmail.com]
CC: Gale, Laurel A CIV USARMY CEPOA (USA) [Laurel.A.Gale@usace.army.mil]; Lyons, Ellen H CIV USARMY CEPOA (USA) [Ellen.H.Lyons@usace.army.mil]
BCC: Johnson, Patrick [johnson.patrick@epa.gov]
Subject: RE: 126.2 Steese Highway, Central, Alaska: Cease and Desist Unauthorized Work in Waters of the United States, including Wetlands
Attachments: POA-2021-00378.20211109.Alleged Violation Letter2.pdf

Good afternoon Mr. Smith,

I have corresponded with the Corps regarding your concerns. The first thing you need to do is provide a written response to the Corps' December 22, 2021, Reported Violation Letter (Attached).

For your convenience, please hit **Reply to All**, then insert your responses to the questions below:

Please provide any information you believe should be considered in our investigation, in addition to the following:

Your Response:

a. Describe the work that was performed and the purpose of the work?

Your Response:

b. When did the work begin, and has it been completed?

Your Response:

c. Did you own the property when the work was performed?

Your Response:

e. What type and amount of material fill was discharged into wetlands? (Please include this information within Cubic Yards).

Your Response:

Also provide an outlined area where the fill was placed on the overhead view of your project.

Your Response:

f. What are your plans for the site including any structures, the area you have filled and/or intend to fill, and the intended use of the site?

Your Response:

While at the construction site a large residential type structure and another structure platform was built. Please include work plans, including an aerial photo overview of your project. Include the size dimensions of each structure presently constructed and any that may be constructed in the next 5 years.

Your Response:

g. Please provide the amount of fill which was placed within the mechanically land cleared area and the construction site. (Please include this information within Cubic Yards).

Your Response:

Also provide an outlined area where the fill was placed on the overhead view of your project.

Your Response:

Responsive documents to these questions should be attached to your email responses.

Since you failed to respond to the Corps December 22, 2021 Reported Violation Letter within **ten days** from your receipt of their letter, we are providing you with an additional five calendar days to respond, **no later than March 22, 2022**.

Thank you for your attention to this matter.

Mark Jen



Mark S. Jen
U.S. Environmental Protection Agency
Region 10 - Alaska Operations Office
222 W. Seventh Avenue, #19
Anchorage, Alaska 99513-7588
Office: (907) 271-3411
Cell: (907) 602-8495

From: Alaska Construction <alaskaconstruction1@gmail.com>

Sent: Wednesday, March 16, 2022 7:18 AM

To: Jen, Mark <Jen.Mark@epa.gov>

Cc: Gale, Laurel A CIV USARMY CEPOA (USA) <Laurel.A.Gale@usace.army.mil>; Lyons, Ellen H CIV USARMY CEPOA (USA) <Ellen.H.Lyons@usace.army.mil>

Subject: Re: 126.2 Steese Highway, Central, Alaska: Cease and Desist Unauthorized Work in Waters of the United States, including Wetlands

Mark,

Thanks for your response,

As of January 28th was my last contact with Laurel gale and I sent her all requested information and packet with all requested attachments and army corps permit filled out and a answer sheet with all answers to the list of questions, as far as I know

I am in compliance, she helped me fill out permit packet for this herself, and has been great to work with, and I have been doing everything I can to comply,

Your letter of cease and desists was for nothing then, if I'm in compliance ?

I need her to confirm she received my permit and paperwork but we worked together hand in hand to get it done and get into compliance, your letter sounds like I didn't respond to her,

and or do,

the requested, and I did everything required

Including applying for permit for this,

So why the letter to cease and desist

If I did everything I was supposed to do,
And did it all with her?
Let me know Becasue it sounds to me like you didn't communicate with her,
And just sent that letter.
I'll call my attorney and give them your letter,
Of cease and desist,
Your hindering me
Thru your cease and desist
from doing my silt fencing,
final grade and seeding
as she requested we do.
I will wait to hear from her today hopefully in this matter, but as far as I can tell
I'm in compliance now, and you two just didn't communicate maybe?
Not sure but it sounds like it to me.
Thank you

Sent from my iPhone

On Mar 16, 2022, at 7:07 AM, Jen, Mark <Jen.Mark@epa.gov> wrote:

Good morning Laurel,

I am forwarding you a letter from Mr. Smith in case you did not receive it directly from him.

Thanks

Mark

From: Alaska Construction <alaskaconstruction1@gmail.com>

Sent: Tuesday, March 15, 2022 6:32 PM

To: Jen, Mark <Jen.Mark@epa.gov>

Subject: Re: 126.2 Steese Highway, Central, Alaska: Cease and Desist Unauthorized Work in Waters of the United States, including Wetlands

Laurel please review this epa letter and email
They are talking like I didn't respond
Or fill out permit and answer all question
On your letter and send it out in a packet to you
Please let me know
Thank you

On Tue, Mar 15, 2022 at 6:00 PM Jen, Mark <Jen.Mark@epa.gov> wrote:

Dear Mr. Smith;

On behalf of the U.S. Environmental Protection Agency, Region 10, you are hereby advised, pursuant to the Clean Water Act (CWA), to **cease and desist** from all unpermitted work in any

waters of the United States, including wetlands adjacent to Boulder Creek/Crooked Creek on property located at 126.2 Steese Highway, near Central, Alaska. Please refer to the attached EPA Letter.

As you are aware, the U.S. Army Corps of Engineers (Corps) is conducting an investigation of a reported violation of the CWA. On December 22, 2021, the Corps requested you to provide information within 10 days for your receipt of their letter (POA-2021-00378). Please refer to the attached Corps Letter.

On January 3, 2022, you contacted the Corps Project Manager by telephone, but did not respond to the information request. To date, your written response has not been received by the Corps.

Failure to respond truthfully and accurately to the Corps' information request may subject you to CWA enforcement actions, including, but not limited to, civil and/or criminal sanctions.

The Corps indicated to EPA that the subject property has been listed for sale. Please be advised that the sale of the property does not absolve the seller or the prospective owner from the requirements of the CWA.

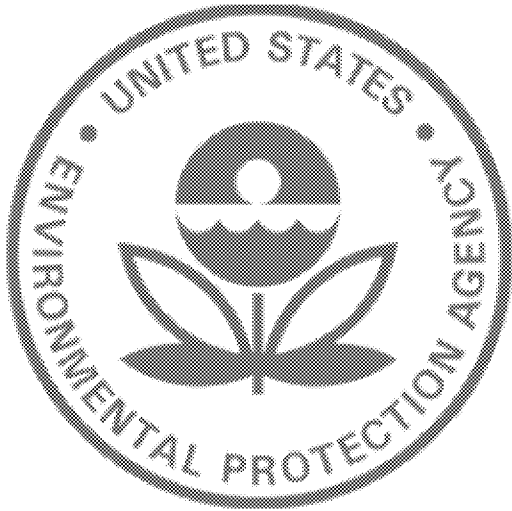
EPA is providing a courtesy copy of this letter to the listed real estate broker for the subject property.

Please contact Ms. Laurel Gale, Corps Project Manager, at your earliest convenience. She can be reached at (907) 347-6496 or laurel.a.gale@usace.army.mil.

Thank you for your prompt attention to this important matter.

Sincerely,

Mark Jen, Case Officer



Mark S. Jen

U.S. Environmental Protection Agency

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